

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CLAUDE EMILE

Plaintiff,

V.

WELLS FARGO BANK, N.A.

Defendant.

Civil Action No. 15-cv-77-M-LDA

**DEFENDANT, WELLS FARGO BANK, N.A.'S MOTION TO EXTEND DISPOSITIVE
MOTION DEADLINE**

Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) respectfully moves this Court to issue an Order extending the deadline to file dispositive motions to October 22, 2018 so that the Parties can continue to explore resolution of this matter, which involves Plaintiff Claude Emile’s challenges to Wells Fargo’s foreclosure of a mortgage. As grounds for this request, Wells Fargo states the following:

As indicated in the Parties’ previous Joint Motion to Extend Dispositive Motion Deadline filed August 21, 2018, *see* ECF No. 31, a new settlement offer—which included a proposed short sale of the property to Boston Community Capital (“BCC”)—had been made at the most recent mediation session with the Court’s ADR Administrator, Berry Mitchell, and was under review in late August. The subject mortgage is serviced in accordance with FHA guidelines, and in September the FHA denied the latest short sale application. Undersigned defense counsel, however, has identified an alternative path for the proposed settlement offer to be reviewed by Wells Fargo, which requires an updated closing disclosure statement from the putative short-sale

buyer. This possibility was conferenced by the Parties, along with Berry Mitchell, on September 13, 2018, and undersigned defense counsel understands that Plaintiff's counsel agreed to request an updated closing disclosure statement from BCC to allow for the alternative review to move forward.

Wells Fargo's counsel expects that, upon receipt of the updated closing disclosure, the review will be completed within seven (7) to fourteen (14) days. Accordingly, Wells Fargo respectfully requests that the dispositive motion deadline be extended for thirty-one (31) days, up through and including October 22, 2018. Wells Fargo's request is not being made for the purpose of delay, but rather to allow the short sale review process to proceed along this alternative avenue, and to afford the Parties time to discuss alternative settlement proposals should the short sale offer be rejected. Extending the deadline will also conserve the resources of the Parties (and this Court) and potentially avoid the need for further litigation. Further, extending the deadline will not prejudice the Plaintiff because she remains in possession of the property at issue in this litigation.

WHEREFORE, based on the foregoing, Defendant Wells Fargo Bank, N.A. respectfully requests that this Court grant its Motion and enter an Order extending the deadline for filing dispositive motions to October 22, 2018.

Respectfully submitted,

Defendant,
Wells Fargo Bank, N.A.

By its Attorney,

/s/ Michael E. Jusczyk
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Dated: September 21, 2018

CERTIFICATE OF SERVICE

I, Michael E. Jusczyk, hereby certify that this document has been filed electronically and is available for viewing and downloading from the ECF system. I further certify that this document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 21, 2018.

/s/ Michael E. Jusczyk
Michael E. Jusczyk